UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,232	09/20/2001	Kuansan Wang	M61.12-0389	5870

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WESTMAN CHAMPLIN (MICROSOFT CORPORATION)
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

EXAMINER
SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
2153	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/960,232	WANG ET AL.
	Examiner	Art Unit	
	Philip S. Scuderi	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 August 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,8,9,14-18,20-30,34 and 36-39</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,8,9,14-18,20-30,34 and 36-39</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37

CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for

continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely

paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 03 August 2007 has been entered.

Response to Arguments

Applicant's remarks filed 03 August 2007 in regards to the rejection over Barclay (U.S.

Patent No. 5,960,399) in view of Brown (U.S. Patent No. 6,587,822) have been fully considered but

they are not persuasive.

Applicant argues that Brown teaches away from the following limitation: "the second device

is adapted to send the input speech data to the recognition server remote from the second client

device." Applicant apparently bases this argument on the fact that combining Barclay and Brown as

set forth in the last office action would result in system with two speech recognizers. That is,

Barclay's server (80) would have a speech recognizer [see Barclay at fig. 4, col. 8, ll. 37 to col. 9, ll.

30]. And, one at one of Barclay's client devices (70) [see Barclay at fig. 4, col. 8, ll. 37 to col. 9, ll. 30]

would have a speech recognizer because the examiner combined one of Barclay's client devices (70)

[see Barclay at fig. 4, col. 8, ll. 37 to col. 9, ll. 30] with Brown's IVR platform (102), which has a

speech recognizer [see Brown at col. 3, ll. 10-11, col. 3, ll. 53 et seq., col. 4, ll. 38-41].

The examiner disagrees.

A proper teaching away argument needs to establish that the prior art criticizes, discredits, or otherwise discourages the solution claimed. See In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

The examiner does not see how the mere fact that the combined teaching of Barclay and Brown produces two speech recognizers criticizes, discredits, or otherwise discourages the solution claimed. Barclay merely discloses that the client device is a "personal computer" [see Barclay at col. 4, ll. 65], which does not criticize, discredit, or otherwise discourage providing such a client device with an IVR platform that is capable of rendering information from any web server. One of ordinary skill in the art would readily recognize advantages to such an arrangement such as enabling clients to conveniently access any web page using an audio interface.

Additionally, the combination of Barclay and Brown is merely a combination of familiar elements that does no more than yield predicable results. Barclay teaches or renders obvious PCs that perform every element of, e.g., claim 1, except for the limitation that "the second client device comprises a telephone and a voice browser capable of rendering the information from the web server audibly." And, Brown teaches a voice browser capable of rendering the information from a web server audibly. "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predicable results." Leapfrog Enter., Inc. v. Fisher-Price, Inc., 485 F.3d 1157, 1161, 82 USPQ2d 1687, 1691 (Fed. Cir. 2007) (quoting KSR Int'l v. Teleflex, Inc., 127 S. Ct. 1727, 1739-40, 82 USPQ2d 1385, 1395 (2007)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 8, 9, 14, 15, 20, 25-30, 34, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay (U.S. Patent No. 5,960,399) in view of Brown (U.S. Patent No. 6,587,822).

As to claims 1, 26, and 34, Barclay teaches a server/client system for processing data, the system comprising:

a web server (80) having information accessible remotely [see Barclay at fig. 4, col. 8, ll. 37 to col. 9, ll. 30];

a recognition server (80) [see Barclay at fig. 4, col. 8, ll. 37 to col. 9, ll. 30];

a first client device (70) adapted to receive information from the web server (80) and having a visual interface browser to access information from the web server (80) and a rendering device to visually indicate fields to be entered, the first client device (70) configured to record input speech data associated with each of the fields upon an indication by a user of the first client device (70) of which field subsequent input is intended for, and wherein the first client device (70) is adapted to send the input speech data to the recognition server (80) remote from the first client device (70) [see Barclay at fig. 4, col. 8, ll. 37 to col. 9, ll. 30]; and

wherein the recognition server (80) is configured to receive the input speech data from the client device (70), process the input speech data from the client device (70), and return data indicative of what was recognized to at least one of the client device (70) providing the input speech data and the web server (80) [see Barclay at fig. 4, col. 8, ll. 37 to col. 9, ll. 30].

1.   Barclay does not expressly disclose another client device (i.e., a second client device) that is similar to the first client device (70).

But, Barclay discloses that the server (80) can be reached via the Internet [see Barclay at abstract, col. 9, ll. 1], which suggests that the server (80) is at least capable of serving multiple client devices (70).

One of ordinary skill in the art would readily recognize that serving multiple similar client devices would be advantageous because many users would be able to utilize the services provided by the server (80).

2.   Barclay does not teach that the client device (70) comprises "a telephone and a voice browser capable of rendering the information from the web server audibly" as recited in claim 1 [see claim 1, ll. 27-30].

Barclay's client devices (70) are merely standard personal computers (PCs) [see Barclay at fig. 1, col. 4, ll. 57 et seq.]

In a similar art, Brown teaches a PC (IVR platform 102 implemented using a PC) [see Brown at col. 4, ll. 38-41] having a telephone (108) [see Brown at col. 3, ll. 10-11] and a voice browser capable of rendering information from a web server [see Brown at col. 3, ll. 53 et seq.]

It would have been obvious to one of ordinary skill in the art to provide a client (as taught by Barclay) with a telephone and a voice browser (as taught by Brown) because doing so provided advantages such as enabling clients to conveniently access any web page using an audio interface.

As to claims 8, 14, 15, 27, 28, and 37, Barclay teaches that that markup language comprises HTML (column 8, line 37 – column 9, line 30). It was well known in the art that it was common

practice to include script portions in web pages (e.g., javascript), thereby providing more interactive

user interfaces. It would have been obvious to do so in the instant case for the same reasons.

As to claims 9 and 20, each client device is adapted to normalize (encode) the input speech

data prior to sending the input speech data to the recognition server.

As to claim 25, Barclay teaches that the web server and the recognition server are located on

a single machine (figure 4, 80).

As to claims 29, 30, 38, and 39, Barclay teaches that the client device transfers a reference to

the grammar to the recognizer with the input data (column 8, lines 26-28).

As to claim 36, Barclay does not teach that rendering the web page includes audibly

prompting the user. However, audibly prompting a user when rendering a web page was well

known in the art and provides advantages such as getting the user's attention. It would therefore

have been obvious to do so in the instant case.

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay

(U.S. Patent No. 5,960,399) in view of Brown (U.S. Patent No. 6,587,822), and further in view

of Firoozye (reference X on the PTO-892 mailed on 07 December 2004).

As to claims 21-23, Barclay does not teach that the web server detects the type of client

device, and dynamically generates markup language according to the type of client device. However,

doing so was well known in the art, as evidenced by Firoozye (page 2, "The server chooses the best

stylesheet to match a user's immediate needs and renders the content to match it."; page 1, "XSL

stylesheets [are] matched to the end-user's environment, the content can be formatted and rendered

to match the delivery platform").

Given the teachings of Firoozye, it would have been obvious to one of ordinary skill in the art to dynamically generate markup language according to the type of client device, thereby best matching users' immediate needs.

As to claim 24, XSL stylesheets as described by Firoozye read on the claimed dialog modules and are obvious to use for the reasons set forth above.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barclay (U.S. Patent No. 5,960,399) in view of Brown (U.S. Patent No. 6,587,822), and further in view of Jochumson (U.S. Patent No. 6,453,290).

As to claims 16-18, Barclay teaches that the recognizer uses different grammars to recognize the speech input and that clients may specify the grammar (column 8, lines 26-28), but does not expressly disclose how the clients are aware of which grammars are supported by the recognizer. As such, it would have been obvious to one of ordinary skill in the art to look outside the teachings of Barclay to find a method for enabling the clients to become aware of the supported grammars.

In a similar art, Jochumson teaches a method and system for network based speech recognition that provides a web pages and an associated grammar reference (column 4, lines 43-53). Given the teachings of Jochumson, it would have been obvious to a person of ordinary skill in the art to include an indication of supported grammars, thereby providing clients with a means for entering the appropriate speech input.

Conclusion

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

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mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner

can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization

where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system,

see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system,

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assistance from a USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Philip S. Scuderi/

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100